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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19392 of 2003

Between:

A. Lakshminarayana, s/o Jagannadh Prasad
r/o H.No.20-1-43, Puranapool, Doodhkhana, Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise, Nampally, Hyderabad.
2 The Deputy Commissioner of Prohibition & Excise, Hyderabad Division, Hyderabad.
3 The Station House Officer, Prohibition & Excise, Malkajgiri, Secunderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the proceedings passed by the 2nd respondent on Cr.No.C4/5534/2002, dt.11-2-2003 in confiscating the scooter belonging to the petitioner bearing Regn.No.AP.12D.0093 under Sec.13(2) of the A.P.Prohibition Act, 1995 as devoid of Jurisdiction, illegal, arbitrary, unlawful and violative of principles of natural justice and consequently release the vehicle and thereby pass all necessary orders as are deemed fit and proper under the circumstances of the case.

Counsel for the Petitioner:MR.CH.RAVINDRA BABU

Counsel for the Respondents: G.P. for Prohibition and Excise.

The Court made the following :

ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal at the stage of Interlocutory Application.

Petitioner herein filed this writ petition under Article 226 of the Constitution of India against the final orders of Confiscation dated 11-2-2003, against which a regular appeal is provided for under section 46 of the A.P. Prohibition and Excise Act. In view of the same, the writ petition is not maintainable.

Accordingly, this writ petition is dismissed with liberty to the petitioner to file appeal within one week from today before the Appellate Authority and on filing, the same shall be disposed of within two months thereafter. It is needless to mention that the interim orders granted by this Court shall continue till the disposal of the appeal. It is also made clear that in the event the appeal is not filed

within the time, the interim orders shall stand vacated. No costs.

1—11—2004.

Stv/-

NOTE: Issue C.C. in three days.

(B.O)

C.M.

To

1 The Commissioner of Prohibition & Excise, Nampally, Hyderabad.
2 The Deputy Commissioner of Prohibition & Excise, Hyderabad Division, Hyderabad.
3 The Station House Officer, Prohibition & Excise, Malkajgiri, Secunderabad.

4. 2 CC to G.P. for Prohibition and Excise, High Court Buildings, High Court of A.P., Hyderabad (OUT)

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